

27 | investigators of the department to provide information
 28 | regarding voluntary placements under certain
 29 | circumstances; exempting military power of attorneys
 30 | from the provisions of the act; providing limitations;
 31 | providing an effective date.

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33 | Be It Enacted by the Legislature of the State of Florida:

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35 | Section 1. Paragraph (e) of subsection (2) and paragraph
 36 | (d) of subsection (4) of section 409.175, Florida Statutes, is
 37 | amended to read:

38 | 409.175 Licensure of family foster homes, residential
 39 | child-caring agencies, and child-placing agencies; public
 40 | records exemption.—

41 | (2) As used in this section, the term:

42 | (e) "Family foster home" means a private residence in
 43 | which children who are unattended by a parent or legal guardian
 44 | are provided 24-hour care. Such homes include emergency shelter
 45 | family homes and specialized foster homes for children with
 46 | special needs. A person who cares for a child of a friend for a
 47 | period not to exceed 90 days, a relative who cares for a child
 48 | and does not receive reimbursement for such care from the state
 49 | or federal government, or an adoptive home which has been
 50 | approved by the department or by a licensed child-placing agency
 51 | for children placed for adoption, or an agent who cares for a
 52 | child pursuant to s. 709.2209 is not considered a family foster

53 | home.

54 | (4)

55 | (d) This license requirement does not apply to boarding
 56 | schools, recreation and summer camps, nursing homes, hospitals,
 57 | or to persons who care for children of friends or neighbors in
 58 | their homes for periods not to exceed 90 days or to persons who
 59 | have received a child for adoption from a licensed child-placing
 60 | agency, or agents who care for children pursuant to s. 709.2209.

61 | Section 2. Section 709.2209, Florida Statutes, is created
 62 | to read:

63 | 709.2209 Power of attorney for temporary care of minor
 64 | child by safe families.-

65 | (1) SHORT TITLE.-This section may be cited as the
 66 | "Temporary Care of Minor Children by Safe Families Act."

67 | (2) FINDINGS.-The Legislature finds that in circumstances
 68 | in which the parent of a minor child is temporarily unable to
 69 | provide care for the child, but does not need the full support
 70 | of the child welfare system, a less intrusive alternative to
 71 | supervision by the Department of Children and Families and the
 72 | dependency court under chapter 39 should be available. In such
 73 | circumstances, a parent may delegate temporary care of the child
 74 | through a properly executed power of attorney to a safe family
 75 | identified by a qualified nonprofit organization.

76 | (3) DEFINITIONS.-As used in this section, the term:

77 | (a) "Agent" means a natural person that is 18 years of age
 78 | or older who successfully meets the training and background

79 screening requirements under paragraph(6) (b) and is granted
 80 authority to act for a principal under a power of attorney
 81 authorized by this section, whether such person is denominated
 82 an agent, attorney in fact, or otherwise. The term includes an
 83 original agent and co-agent. Successor agents are not permitted
 84 under this section.

85 (b) "Department" means the Department of Children and
 86 Families.

87 (c) "Qualified nonprofit organization" means a charity or
 88 religious institution organized under s. 501(c) (3) of the United
 89 States Internal Revenue Code that, without compensation, assists
 90 parents with the provision of volunteer temporary care of
 91 children pursuant to a power of attorney executed under this
 92 section. A qualified nonprofit organization is not a child-
 93 placing agency as defined in s. 409.175(2) (d) and is not
 94 required to be licensed as such unless the qualified nonprofit
 95 organization attempts to place or arrange for the placement of a
 96 child as provided in s. 409.175(2) (d).

97 (4) POWER OF ATTORNEY.—A parent of a minor child, by a
 98 properly executed power of attorney authorized under this
 99 section, may delegate to an agent, for a period not to exceed 6
 100 months, any of the powers regarding the care and custody of the
 101 child, except the power to consent to marriage or adoption of
 102 the child, the performance or inducement of an abortion on or
 103 for the child, or the termination of parental rights to the
 104 child. The agent must serve without compensation and the parent

105 may not receive compensation for delegating the care and custody
106 of the child.

107 (a) The power of attorney must:

108 1. Be signed by both parents, if both parents are living
109 and have shared responsibility and timesharing of the child as a
110 matter of law or pursuant to a court order. If the parents do
111 not have shared responsibility and timesharing of the child, the
112 parent having sole custody of the child has the authority to
113 execute the power of attorney but shall notify the noncustodial
114 parent in writing of the name and address of the agent under the
115 power of attorney. Such notification must be provided by
116 certified mail, return receipt requested, to the noncustodial
117 parent at his or her last known address within 5 days after the
118 execution of the power of attorney. Notification is not required
119 to a noncustodial parent whose parental rights have been
120 terminated.

121 2. Be signed by a representative of the qualified
122 nonprofit organization which assisted with the placement of the
123 child certifying the statement in subparagraph (b)4.

124 3. Be signed by the agent.

125 4. Be signed by two subscribing witnesses.

126 5. Be acknowledged by the parent or parents, as applicable
127 under subparagraph 1., and the representative of the qualified
128 nonprofit organization before a notary public.

129 (b) The following information must be provided in the
130 power of attorney:

- 131 1. The name of the child.
- 132 2. The name of the parent or parents delegating authority
 133 for the care and custody of the child.
- 134 3. The name of the agent to whom powers are delegated.
- 135 4. A statement that the agent and all other appropriate
 136 members of the agent's household have successfully completed the
 137 background screening required under subparagraph (6) (b) 1.
- 138 5. A statement of the powers delegated to the agent for
 139 the care and custody of the child.
- 140 6. A statement that the delegation does not include
 141 authority to consent to marriage or adoption of the child, the
 142 performance or inducement of an abortion on or for the child, or
 143 the termination of parental rights to the child.
- 144 7. The expiration date of the power of attorney which may
 145 not be later than 6 months from the date of execution.
- 146 (c) Except as specifically provided herein, such power of
 147 attorney shall be governed by all other provisions of this
 148 chapter.
- 149 (5) REVOCATION OF POWER OF ATTORNEY.—Either parent of the
 150 child may revoke the power of attorney if the parent has
 151 custodial rights to the child. Upon revocation of the power of
 152 attorney, the agent shall return the child to the custody of the
 153 revoking parent.
- 154 (6) QUALIFIED NONPROFIT ORGANIZATIONS.—
- 155 (a) A qualified nonprofit organization shall require a
 156 parent seeking its services to disclose if the department is

157 conducting an ongoing investigation of abuse or neglect
158 involving the child or the parent, or if the department is
159 otherwise providing services to the child or the parent. If the
160 qualified nonprofit organization learns that the department has
161 an open investigation of abuse or neglect involving the child or
162 the parent and the parent failed to disclose this information,
163 the qualified nonprofit organization shall immediately notify
164 the department.

165 (b) A qualified nonprofit organization shall train all
166 agent families and volunteers, identify appropriate and safe
167 placements for children based on background screenings and home
168 visits, and provide services and resources to support the child,
169 parents, and agents authorized to provide temporary care for the
170 child.

171 1. All employees or volunteers of the qualified nonprofit
172 organization who may have unsupervised contact with a child
173 placed with an agent pursuant to this section, including the
174 agent and all members of the agent's household who are 12 years
175 of age or older, must undergo a background screening under s.
176 39.0138, which shall include a state and national criminal
177 history record check. The department shall inform the qualified
178 nonprofit organization if such persons successfully pass the
179 background screening under s. 39.0138.

180 2. The qualified nonprofit organization shall maintain a
181 separate record for each child placement assisted by the
182 organization, which must include a copy of the department

183 notification of screening results and the executed power of
 184 attorney, for at least 5 years following the expiration of the
 185 power of attorney.

186 (7) INFORMATION REGARDING SAFE FAMILY PROGRAMS.—During a
 187 child protective investigation that does not result in an out-
 188 of-home placement, if the child protective investigator feels it
 189 is appropriate, the department shall provide information to the
 190 parent about available community service programs that provide
 191 respite care, voluntary temporary placement pursuant to this
 192 section, or other support services for families in crisis.

193 (8) LIMITATIONS.—The execution of a power of attorney
 194 under this section does not:

195 (a) Constitute placing the child in foster care, an agent
 196 is not required to meet foster care licensing requirements under
 197 chapter 409, and an agent's home does not constitute a family
 198 foster home as defined in s. 409.175(2)(e) for purposes of
 199 caring for a child placed pursuant to this section.

200 (b) Limit the ability of a parent to appoint a guardian
 201 for a child pursuant to chapter 744.

202 (c) Change or modify parental or legal rights,
 203 obligations, or authority established by an existing court
 204 order, and does not deprive a parent of parental or legal
 205 rights, obligations, or authority regarding the custody,
 206 visitation, or support of the child unless determined by a court
 207 to be in the best interests of the child.

208 (d) Except as otherwise provided by law, or without other

209 evidence, constitute abandonment, abuse, or neglect as defined
 210 in s. 39.01. This paragraph does not prevent the department or
 211 law enforcement from investigating allegations of abandonment,
 212 abuse, neglect, unlawful desertion of a child, or human
 213 trafficking.

214 (9) APPLICABILITY.—This section does not apply to a
 215 military power of attorney executed in accordance with 10 U.S.C.
 216 s. 1044b, as amended.

217 Section 3. This act shall take effect July 1, 2016.